

## **ARTICLE XVIII-B      COMPREHENSIVE REZONING (MAP AMENDMENTS)**

### **Section 1801-B      Purpose and Intent**

The purpose of this Article is to permit the rezoning of the entire City or particular areas of the City in accordance with the Comprehensive Plan or an update to the Comprehensive Plan.

### **Section 1802-B      Procedure**

- (a) This section shall only be applicable when at least twenty-five (25) contiguous parcels or at least ten (10) acres of land (excluding rights-of-way) are the subject of the rezoning application.
- (b) A comprehensive rezoning may be initiated by The Department of Planning and Development after conducting a study that demonstrates that the existing zoning in the subject area is not in accordance with the Comprehensive Plan, or
- (c) That the Comprehensive Plan and zoning should be amended based on an analysis of the following:
  - (1) The need for additional land in the City having the same zoning classification as the one proposed;
  - (2) A substantial change in the land use character of the surrounding area that justifies the change in zoning; and
  - (3) The probability of a mapping error in the Comprehensive Plan or the zoning ordinance.
- (d) The Planning Department shall submit the rezoning request to the Planning Board for consideration along with a staff report stating the Staff's findings under subsections (b) and (c) above.
- (e) The Planning Board shall hold a public hearing on the rezoning request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward their recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board's recommendations.
- (f) When the City proposes to rezone any property within its jurisdiction, it shall be the duty of the City to give notice in a newspaper of general circulation in the City. This notice shall be in the form of two (2) advertisements containing a description and map of the affected property, showing the existing and the proposed zoning, and the time and place of any scheduled hearing concerning the proposed rezoning. The first publication of this advertisement shall be at least fifteen (15) days prior to the public hearing. The City shall also give notice via mail to each property owner whose zoning classification is proposed to be changed or affected. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, showing the existing and the proposed zoning, and the time and place of any scheduled hearing concerning the proposed rezoning. The City shall also post signs along major thoroughfares in the area considered for the rezoning stating the same notice.

Prior to the effective date of any comprehensive rezoning, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this

section. The filing of the affidavit shall be prima facie proof of compliance with this section. A failure to give notice shall not affect the validity of rezoning, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to insure the accuracy of tax records pertaining to his property.